

# **CITY COUNCIL AGENDA**

**MAY 9, 2006**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
MADISON P. NGUYEN  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:00 a.m. - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
**Absent – Council Members: None.**  
  
1:36 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: None.**
- **Invocation (District 5)**  
**Pastor Isaac Neal, Logos Christian Fellowship conducted a prayer.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved.**  
  
**Item 3.8 was deferred to May 16, 2006.**  
  
**Interim City Manager Les White introduced Interim Deputy City Manager Dan McFadden.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring the week of May 7-13, 2006 as Wildfire Awareness Week. (Fire)  
**Mayor Gonzales presented a proclamation to Fire Chief Jeff Clet and Jose Guerrero declaring the week of May 7-13, 2006, as Wildlife Awareness Week.**
- 1.2** Presentation of a proclamation declaring the week of May 13-20, 2006 as Silicon Valley Affordable Housing Week. (Housing)  
**Mayor Gonzales and Council Member Campos, and Director of Housing Leslye Krutko presented a proclamation declaring the week of May 13-20, 2006 as Silicon Valley Affordable Housing Week.**

# 1. CEREMONIAL ITEMS

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- 1.3 Presentation of a proclamation declaring the Week of May 7-13, 2006 as Building Safety Week in San José. (Planning, Building and Code Enforcement)  
**Mayor Gonzales and Interim Director of Planning, Building and Code Enforcement Joe Horwedel presented a proclamation declaring the Week of May 7-13, 2006 as Building Safety Week in San José.**
- 1.4 Presentation of a commendation to Santa Clara Valley Science and Engineering Fair Association for their commitment to providing a forum for our children to compete in the field of science. (Williams)  
**Council Member Williams joined Mayor Gonzales to present a commendation to the Santa Clara Valley Science and Engineering Fair Association for their commitment to providing a forum for our children to compete in the field of science.**
- 1.5 Presentation of a proclamation to representatives of local mental health service agencies declaring the month of May as Mental Health Awareness Month. (Yeager)  
**Mayor Gonzales and Council Member Yeager presented a proclamation to representatives of local mental health service agencies declaring the month of May as Mental Health Awareness Month.**
- 1.6 Presentation of a commendation to Dominic F. “Doc” Danna for his years of work and service in San José on the occasion of his 95<sup>th</sup> birthday. (Yeager)  
**Mayor Gonzales and Council Member Yeager presented a commendation to Dominic F. “Doc” Danna for his years of work and services in San José on the occasion of his 95<sup>th</sup> birthday.**
- 1.7 Presentation of commendations to the United Way and the 2-1-1 Santa Clara County Steering Committee for their dedicated effort to implement 2-1-1, a toll-free hotline that will connect callers with health and human services in Santa Clara County. (LeZotte)  
(Rules Committee referral 5/2/06)  
**Council Member LeZotte and Mayor Gonzales presented commendations to the United Way and the 2-1-1 Santa Clara County Steering Committee for their dedicated effort to implement 2-1-1, a toll-free hotline that will connect callers with health and human services in Santa Clara County.**
- 1.8 Presentation of a proclamation declaring the week of May 7-13, 2006 as Composting Awareness Week. (LeZotte)  
**Council Member LeZotte and Mayor Gonzales presented a proclamation to Michael Gross declaring the week of May 7-13, 2006 as Composting Awareness Week.**

# 1. CEREMONIAL ITEMS

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- 1.9 Presentation of a commendation to Young Shim, outgoing Executive Director of Korean American Community Services, for her many years of exemplary dedication and tireless service to the San José community. (Yeager)  
(Rules Committee referral 5/2/06)  
**Council Member Yeager and Mayor Gonzales presented a commendation to Young Shim, outgoing Executive Director of Korean American Community Services, for her many years of exemplary dedication and tireless service to the San José community.**
- 1.10 Presentation of a proclamation declaring the month of May as Recycle for Sight Month. (Cortese)  
(Rules Committee referral 5/2/06)  
**Mayor Gonzales and Council Member Cortese presented a proclamation to District representatives of Lions Club International declaring the month of May as Recycle for Sight Month.**
- 1.11 Presentation of a commendation to VANG USA for its vision and commitment to recognizing the success of Vietnamese Americans in the United States. (Nguyen/Cortese/Chavez)  
(Rules Committee referral 5/2/06)  
**Mayor Gonzales, Council Member Nguyen, Council Member Cortese, and Vice Mayor Chavez presented a commendation to VANG USA for its vision and commitment to recognizing the success of Vietnamese Americans in the United States.**
- 1.12 Presentation of a proclamation declaring May as Foster Care Month in the City of San José. (LeZotte/Mayor)  
(Orders of the Day)  
**Mayor Gonzales and Council Member LeZotte presented a proclamation Dawn Haddaway, and Juanita Ramo declaring May as Foster Care Month in the City of San José.**
- 1.13 Presentation of a commendation to Building peaceful families for their innovative and collaborative approach to ending violence through communication, education, and prevention. (Chavez)  
(Orders of the Day)  
**Vice Mayor Chavez and Mayor Gonzales presented a commendation to Building peaceful families for their innovative and collaborative approach to ending violence through communication, education, and prevention.**

## **2. CONSENT CALENDAR**

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### **2.1 Approval of Minutes.**

**Recommendation:** Approval of minutes:

- (a) Regular minutes of October 4, 2005.
- (b) Regular minutes of October 18, 2005.
- (c) Regular minutes of October 25, 2005.

**Approved on May 2, 2006.**

### **2.2 Final adoption of ordinances. None.**

### **2.3 Approval of amendment to agreement with Miller & Van Eaton to provide consultant services related to cable television matters.**

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a Second Amendment to Continuation Agreement with Miller & Van Eaton, L.L.P. for consultant services related to cable television franchise renewal matters, extending the term through June 1, 2007, at no additional cost to the City. (City Attorney's Office)

**Resolution No. 73158 adopted.**

### **2.4 Approval of fiscal actions related to the California Seat Belt Compliance Campaign.**

**Recommendation:** Adoption of the following amendments to the annual appropriation ordinance and the annual funding sources resolution in the General Fund:

- (a) Establish an appropriation in the City-wide Expenses to the Police Department for the OTS 2005-06 California Seat Belt Compliance Campaign "Click it or Ticket" Mini-Grant in the amount of \$89,953; and,
  - (b) Increase Earned Revenue Estimate from the State by \$89,953.
- CEQA: Not a Project. (City Manager's Office/Police)

**Ordinance No. 27718 adopted.**

**Resolution No. 73159 adopted.**

### **2.5 Approval to amend an agreement for Smart Start San José Centers at Washington Elementary School.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with San José Unified School District for Smart Start Centers at Washington Elementary School, increasing the agreement amount by \$52,500, from \$480,000 to a total agreement amount not to exceed \$532,500 for a term ending June 30, 2015. CEQA: Exempt, File No. PP06-065. Council District 3. SNI: Washington. (Library)

**Resolution No. 73160 adopted.**

## 2. CONSENT CALENDAR

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### 2.6 Approval of a purchase order for traffic signal modules.

**Recommendation:** Authorize the Director of Finance to issue a purchase order to Jam Services for an additional 2,800 “Countdown” pedestrian signal countdown modules, replacing “Walk/Don’t Walk” pedestrian signal modules at an additional cost of \$300,000. CEQA: Not a Project. (Finance)

**Approved.**

### 2.7 Acceptance of the Report of Activities and Findings for the period March 16 through April 15, 2006.

**Recommendation:** Acceptance of the Report of Activities and Findings for the period March 16 through April 15, 2006. (City Auditor)

**The report was accepted.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**None.**

### 3.2 Report of the Rules Committee – April 26, 2006

**Vice Mayor Chavez, Chair**

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review May 9, 2006 Draft Agenda

(a) Adds to the May 9, 2006 Draft Agenda

**The Committee approved the May 9, 2006 Council agenda with four additions.**

(2) Add New Items to May 2, 2006 Agenda

(a) Mayor and Councilmember Requests

(b) Council Appointee Requests

**The Committee approved four additions to the May 2, 2006 Council agenda.**

(3) List of Reports Outstanding

**The Committee accepted the City Manager’s listing for four reports outstanding.**

(c) Legislative Update

(1) State – **None.**

(2) Federal – **None.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – April 26, 2006 (Cont'd.)

**Vice Mayor Chavez, Chair**

(d) Meeting Schedules

- (a) Cancel June 6<sup>th</sup> Evening Council Meeting due to the Statewide Election and Schedule an evening session for June 13<sup>th</sup>. (City Clerk)

The Committee approved the recommendation to cancel the evening session on June 6<sup>th</sup>, schedule an evening session on June 13<sup>th</sup> and set a study session on May 11, 2006 from 1:00 – 3:00 p.m. to review policy options and provide input to staff regarding positions related to AT&T Project Lighspeed, as well as recently introduced telecommunications legislation.

(e) The Public Record

**The Committee noted and filed the Public Record for the week of April 12-18, 2006.**

(f) Appointments to Boards, Commissions and Committees - **None.**

(g) Rules Committee Reviews, Recommendations and Approvals  
**None.**

(h) Open Forum

**Bill Chew suggested the City construct a fiber optic cable network and connect all households in San José.**

(i) Adjournment

**The meeting was adjourned at 2:15 p.m.**

#### **Partial Rules Committee Report – May 3, 2006**

**Vice Mayor Chavez, Chair**

(c) Legislative Update

(1) State

- (a) State Legislative Update – Redevelopment Bills

AB2922 (Jones) – Amended: Low and Moderate Income

**The Committee approved the Staff's recommendation to take a position of Oppose.**

Housing Fund: 35% set aside

SB1206 (Kehoe) – Redevelopment Reform

**The Committee approved the Staff's recommendation to take a position of Oppose.**

AB2197 (Devore) – Bill withdrawn

**The Committee approved the Staff's recommendation to take a position of Oppose/Continue to watch.**

**The Rules Committee report and actions of April 26, 2006 were accepted.**



### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Partial Rules Committee Report – May 3, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

(c) Legislative Update

(1) State

(b) State Housing Legislation

AB2638 (Laird) – Housing Trust Fund

AB2800 (Laird) – Housing Anti-Discrimination

SB1289 (Cedilo) – Emancipating Foster Youth

AB2961 (Nunez) – Homeless Assistance Payments

**The Committee approved the Staff's recommendation to take a position of Support on all four of the bills.**

(c) Proposition 81: California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006, Proposition 82: Preschool Education, Tax on Incomes Over \$400,000 for Individuals; \$800,000 for Couples.

**The Committee approved the Staff's recommendation to take a position of Support on both propositions.**

(d) AB2435 (Coto) – Santa Clara Valley Water District

**The Committee approved the Staff's recommendation to take a position of Support.**

(e) SB1611 (Simitian) – Congestion Management Fees

**The Committee approved the Staff's recommendation to take a position of Support.**

**The Partial Rules Committee report and actions of May 3, 2006 were accepted.**

Noes: Reed.

#### 3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

None.

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of actions related to the Mayor/City Council Cost/Position Management Plan.

**Recommendation:** Approval of option for reducing the appropriations to the Mayor and Council Districts in a total amount of \$119,095, either

- (a) Including amounts representing prior year savings as proposed during the Mid-Year Budget, or

**Approved.**

- (b) Utilizing the base budget amounts and excluding prior year savings, and adoption of an ordinance amending the annual Appropriation Ordinance to implement the selection option.

CEQA: Not a Project. (City Manager's Office)

**Ordinance No. 27719 passed for publication.**

#### 3.5 Approval of fiscal actions related to Team San José year-end appropriations.

**Recommendation:** Adoption of the following appropriation ordinance amendments in the Convention and Cultural Affairs fund:

- (a) Increase Non-personal appropriations by \$950,000;
- (b) Decrease the Personal Services appropriation by \$450,000;

**Ordinance No. 27720 adopted.**

- (c) Decrease the Operating Contingency by \$187,229 for Insurance Expenses (Fire Insurance);
- (d) Establish an appropriation for Insurance Expenses in the amount of \$187,229;
- (e) Decrease the Unrestricted Find Balance by \$500,000.

CEQA: Not a Project. (City Manager's Office)

**Council approved Item 3.5 (a) and (b) and Staff deferred Item 3.5(c) through (e) to May 16, 2006 and Team San José was directed to report back on May 16, 2006 with:**

- 1) A breakdown of the \$950,000 shortfall for non-personal appropriations.
- 2) A list of the 15 events held in the tent area of the Convention Center, as well as how these events have contributed to the success of the new tent facility.
- 3) Clarification as to when the California Theatre can be used to show films and a schedule of when the Theatre is booked, and when it is available.
- 4) An update on contract services.

**The City Manager committed to return with a workplan on deferred maintenance of City facilities.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.6 Approval of an ordinance related to benefit enhancements for police members of the Police & Fire Department Retirement Plan.**

**Recommendation:** Approval of an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to provide increased retirement benefits for members of the Police and Fire Department Retirement Plan who are employed in the Police Department and retire on or after July 1, 2006. (Employee Relations)

**Ordinance No. 27721 passed for publication.**

#### **3.7 Adoption of an urgency ordinance further extending Ordinance No. 27602 related to permit and license provisions of Chapter 6.02 of the San José Municipal Code.**

**Recommendation:** Adoption of an urgency ordinance extending Ordinance No. 27602 originally adopted by Council on November 15, 2006, and extended by Ordinance No. 27657, by further extending the effectiveness of the amended Sections 6.02.130 and 6.02.250 of Chapter 6.02 of Title 6 of the San José Municipal Code to authorize denial, suspension, revocation or summary suspension of permits or licenses as result of public nuisance, criminal activity or imminent threat to public safety, until June 13, 2006. (Chavez)

**Ordinance No. 27722 adopted.**

**Staff directed to return to Council with final amendments to the ordinance in June.**

#### **3.8 Report by City Liaisons on discussions with the City of San José and the County of Santa Clara.**

**Recommendation:** Report by City Liaisons, Council Members Linda J. LeZotte and Ken Yeager, on their meeting and discussions with Supervisors Jim Beall and Don Gage, and a discussion by Council and the administration regarding mutual areas of interests to be discussed with the County. (LeZotte/Yeager)

**Deferred to 5/16/06**

### **3. STRATEGIC SUPPORT SERVICES**

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- 3.9 Discussion and/or action related to whether the influence of Council Member David Cortese substantially directed and tainted the Evergreen Visioning Project Task Force.**

**Recommendation:** Discussion and/or action related to whether the influence of Council Member David Cortese substantially directed and tainted the Evergreen Visioning Project Task Force, and thus the Evergreen East Hills Vision Strategy Task Force (EEHVS) process. (Campos/Pyle)

**Council approved a substitute motion to reaffirm the Council Conduct Policy which provides a process for a Council Member to submit to Rules Committee a formal, written allegation/s of violation/s, and which also provides proper 24-hour notice to a Council Member of the accusation/s**

**City Attorney's Office directed to provide a list of alternative terminology "to direct staff to..." for Council Members to use to request services or information from Staff.**

- 3.10 Approval of actions related to Federal Communication Legislation.**

**Recommendation:** Adoption of a resolution to oppose the proposed Federal Communications Promotion and Enhancement Act of 2006 ("COPE"). CEQA: Exempt.: Not a Project. (City Manager's Office)  
(Referred from 5/2/06 - Item 3.4)

**Resolution No. 73161 adopted.**

- 3.11 Approval of an audit of the Santa Clara County Cities' Association (SCCCA) financial statements to the City Auditor's workplan.**

**Recommendation:** Approval of an audit of the Santa Clara County Cities' Association (SCCCA) financial statements to the City Auditor's workplan to occur early in the fiscal year for the period January 1, 2005 through July 1, 2006. (City Clerk)

**Approved.**

### **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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- 4.1 Report of the Building Strong Neighborhoods Committee  
Council Member Chirco, Chair**

**None.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.2 Report of the Driving a Strong Economy Committee – April 24, 2006**

**Council Member Williams, Chair**

- (a) Development Process Status Report  
**The Committee accepted Staff's report.**

**SEE ITEM 4.3 FOR COUNCIL ACTION TAKEN**

- (b) Fair Housing, Predatory Lending, Education Update  
**The Committee accepted Staff's report.**
- (c) Update on Silicon Valley Investment Network  
**The Committee accepted Staff's report.**
- (d) Economic Indicators  
**The Committee accepted Staff's report.**
- (e) Oral Petitions  
**Bill Chew, Candidate for District 3, spoke on public campaigning at no cost.**
- (f) Adjournment  
**The meeting adjourned at 3:38 p.m.**

**The Driving a Strong Economy Committee report and actions of April 24, 2006 were accepted.**

### **4.3 Acceptance of an update on Counter-to-Council Efforts.**

**Recommendation:** Acceptance of an update on Counter-to-Council efforts. (Planning, Building and Code Enforcement)

[Driving A Strong Economy Committee 4/24/06-Item 4.2(a)]

**The update was accepted.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Report of the All Children Achieve Committee**

**Council Member Yeager, Chair**

**None.**

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Conduct the Final Public Hearing and approval of the Consolidated Annual Action Plan.

#### **Recommendation:**

- (a) Approval of the 2006-2007 Annual Action Plan, including the FY 2006-2007 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.  
**Approved.**
- (b) Adoption of a resolution authorizing the Department Director overseeing the Community Development Block Grant Program to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any amendment or modifications, for the expenditure of CDBG funds on behalf of the City.  
**Resolution No. 73162 adopted.**
- (c) Approval of the ESG Program funding recommendations.  
**Approved.**
- (d) Approval of the CDBG Program funding recommendations.  
**Approved.**
- (e) Adoption of a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any amendments or modifications, for the expenditure of ESG, HOME and HOPWA funds on behalf of the City.  
**Resolution No. 73163 adopted.**
- (f) Adoption of a resolution authorizing the Housing Department to submit the FY 2006-2007 Annual Action Plan to HUD.  
CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)  
**Resolution No. 73164 adopted.**

## 5. NEIGHBORHOOD SERVICES

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### 5.3 Approval of an ordinance related to newly-constructed housing restrictions.

**Recommendation:** Approval of an ordinance amending Section 4.46.039.5 of Chapter 4.46, Section 4.47.092 of Chapter 4.47, Section 4.54.038 of Chapter 4.54, and Section 4.64.035 of Chapter 4.64 of Title 4 of the San José Municipal Code to extend, through June 30, 2011, the suspension granted to newly-constructed housing restricted to occupancy by very low-income households from the following taxes:

- (a) Building and Structure Construction Tax;
- (b) Construction Portion of the Construction and Conveyance Tax;
- (c) Commercial-Residential Mobilehome Park Building Tax (CRMP); and
- (d) Residential Construction Tax.

CEQA: Not a Project. (Housing/Transportation)

**Ordinance No. 27723 passed for publication.**

### 5.4 Approval to continue and extend funding terms for various Community Development Block Grant Projects.

**Recommendation:**

- (a) Approval of continuations and extensions of funding terms for various CDBG projects as follows:
  - (1) G33 Capitol Park Project (Previously known as Goss Community Facility) – Department of Parks, Recreation & Neighborhood Services for one year from December 31, 2005 to December 31, 2006,
  - (2) G65 Mayfair Strong Neighborhood Traffic Calming - Redevelopment Agency for eighteen months from December 31, 2005 to June 30, 2007,
  - (3) F95 Cultivating Community Power - Resources for Families & Communities in Santa Clara County for one year from June 30, 2006 to June 30, 2007,
  - (4) F99 Linda Vista Children's Center Renovation - Kidango for one year from June 30, 2006 to June 30, 2007, and
  - (5) K16 Therapeutic Recreation & Wellness Facility Pre-Development Study - Department of Parks, Recreation & Neighborhood Services for one year from June 30, 2006 to June 30, 2007.

CEQA: See Memo for CEQA designations. Council Districts 5 and 7. SNI: East Valley/680 Communities, K.O.N.A, Mayfair.

**Approved.**

- (b) Adoption of the following Appropriation Ordinance amendments in the Community Development Block Grant Fund:
  - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the CDBG Administration appropriation (#2246) in the amount of \$150,000;
  - (2) Decrease the Ending Fund Balance in the amount of \$150,000.

CEQA: Not a Project.

(Parks, Recreation and Neighborhood Services).

**Ordinance No. 27724 adopted.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.5 Acceptance of the status report on the bond-funded Happy Hollow Park and Zoo Project.**

**Recommendation:** Acceptance of the status report on the Bond-funded Happy Hollow Park and Zoo project. CEQA: Not a Project. Council District 7. SNI: Tully/Senter. (Public Works/Parks, Recreation and Neighborhood Services/

**The report was accepted.**

### **5.6 Approval of the report on bids for the Roosevelt Community Center.**

**Recommendation:**

- (a) Report on bids and adoption of a resolution authorizing the Director of Public Works to award a construction contract for the Roosevelt Community Center - Package I Project to the low bidder, DBS Construction Inc., in the amount of \$1,179,997 and approval of a contingency in the amount of \$117,999, in a total amount not to exceed \$1,297,996, such authority to award being conditioned on the City's acquisition of the property interests necessary to construct the project.

**Resolution No. 73165 adopted.**

- (b) Adoption of a resolution approving the Roosevelt Community Center - Package I project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration PP03-12-397. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services)

**Resolution No. 73166 adopted.**

### **5.7 Approval of actions related to the Edenvale Branch Library Project.**

**Recommendation:**

- (a) Report on bids and award of contract for the Edenvale Branch Library Project to the low bidder, John Plane Construction Co., Inc., to include the base bid and add Alternate No. 1, in the amount of \$7,336,000 and approval of a contingency in the amount of \$733,600; and,

**Approved.**

- (b) Adoption of a resolution approving the Edenvale Branch Library Project and incorporating environmental mitigation measures as set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, PP05-011. Council District 2. (Public Works/Library)

**Resolution No. 73167 adopted.**



## **5. NEIGHBORHOOD SERVICES**

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### **5.8 Approval of an agreement with the Boys and Girls Club to purchase an interest in the property located at 2293 Cunningham Avenue.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate an agreement with the Boys and Girls Club Silicon Valley to purchase an interest in the Boys and Girls Club's property located at 2293 Cunningham Avenue and direction to return to Council with appropriation actions. (City Manager's Office/Parks, Recreation and Neighborhood Services)

**Deferred to 5/23/06.**

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair**

**None.**

### **6.2 Approval of actions related to the Obstruction Study for the Airport.**

**Recommendation:**

- (a) Acceptance of the progress report on the Obstruction Study for the Norman Y. Mineta San José International Airport; and,

**The report was accepted.**

- (b) Approval of a fourth amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, increasing the maximum cost of the agreement by \$120,000, from \$250,000 to \$370,000, for additional work on the Airport Obstruction Study, with no change to the term of the agreement.

CEQA: Resolution Nos. 67380 and 71451, PP 06-053. (Airport)

**Approved.**

**Staff directed to provide strategic documentation on progress with the FAA.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval of an ordinance related to the Commercial Solid Waste Program.**

**Recommendation:** Approval of an ordinance amending Chapter 9.10 of Title 9 of the San Jose Municipal Code to implement changes to the Commercial Solid Waste Program including adding requirements that collection vehicles have numerical identification and meet emission standards, setting charges for delinquent monthly reports, adding provisions relating to wheeled disposal carts, and adding provisions relating to recycling reporting by large venues and large events. CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

**Ordinance No. 27725 passed for publication.**

### **7.2 Conduct a Public Hearing and approval of actions related to the Commercial Solid Waste and Recyclables Collection Franchise Agreements.**

**Recommendation:** Hold a public hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises, approval of ordinances granting the franchises, and approval of Commercial Solid Waste and Recyclables Collection Franchise Agreements for the following terms:

- (a) A & A Recycling - July 1, 2006, to June 30, 2009.
- (b) All Points Rolloff, Inc. - July 1, 2006, to June 30, 2009.
- (c) Allied Waste Services of North America, LLC dba Allied Waste of Santa Clara County - July 1, 2006, to June 30, 2007, with two one-year renewal options
- (d) EMS, LLC - July 1, 2006, to June 30, 2009.
- (e) Environmental Resources Recovery Inc. dba Valley Recycling - July 1, 2006, to June 30, 2009.
- (f) GreenWaste Recovery Inc. - July 1, 2006, to June 30, 2009.

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.2 Conduct a Public Hearing and approval of actions related to the Commercial Solid Waste and Recyclables Collection Franchise Agreements. (Cont'd.)**

**Recommendation:** Hold a public hearing on the applications of the following companies for Commercial Solid Waste and Recyclables Collection Franchises, approval of ordinances granting the franchises, and approval of Commercial Solid Waste and Recyclables Collection Franchise Agreements for the following terms:

- (g) GreenWaste Recovery Inc. dba \$99 Debris Box Service - July 1, 2006, to June 30, 2009.
- (h) Grifall Trucking Inc. - July 1, 2006, to June 30, 2009.
- (i) JHM Services Inc. - July 1, 2006, to June 30, 2009.
- (j) Jonna Corp dba Premier Recycle - July 1, 2006, to June 30, 2009.
- (k) LMH Enterprises Inc. dba Number "1" Disposal - July 1, 2006, to June 30, 2007, with two one-year renewal options.
- (l) Los Altos Garbage Co. dba Stevens Creek Disposal and Recycling - July 1, 2006, to June 30, 2007, with two one-year renewal options.
- (m) Mission Trail Waste Systems Inc. dba Recycle West - July 1, 2006, to June 30, 2009.
- (n) Pacific Coast Recycling - July 1, 2006, to June 30, 2009.
- (o) Panther Industries - July 1, 2006, to June 30, 2009.
- (p) Phillip Alan Ingram dba Coast Dumpster Service - July 1, 2006, to June 30, 2009.
- (q) Recycling & Waste Services - July 1, 2006, to June 30, 2009.
- (r) Redwood Services Inc. dba Redwood Debris Box Service - July 1, 2006, to June 30, 2009.
- (s) San José Conservation Corps & Charter School - July 1, 2006, to June 30, 2009.
- (t) Smurfit-Stone Container Enterprises Inc. dba Smurfit-Stone Recycling - July 1, 2006, to June 30, 2009.
- (u) Sonrise Consolidated Inc. - July 1, 2006, to June 30, 2009.
- (v) The Flea Market, Inc. - July 1, 2006, to June 30, 2009.
- (w) The Residential Bin Co. Inc. - July 1, 2006, to June 30, 2007, with two one-year renewal options.
- (x) USA Waste of California Inc. dba Green Valley Disposal Company, Inc. - July 1, 2006, to June 30, 2009.
- (y) Waste Connections of California Inc. dba GT Waste - July 1, 2006, to June 30, 2009.
- (z) Waste Management of California Inc. dba Waste Management of Santa Clara County - July 1, 2006, to June 30, 2009.

CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

**The public hearing was held .**

**Ordinance Nos. 27726 through 27751 passed for publication.**

## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report

None.

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9202	Southeast Corner of Branham Lane and Cherry Avenue	6	LCAR MJM Homes, LLC	6 Lots/ 5 Units	SFD	Approve
9776	Neal Avenue 200' east of Winchester Blvd.	6	Neal 3030, LLC	8 Lots/ 7 Units	SFD	Approve
9798	20 S. Second St.	3	CIM Group Inc.	1 Lot/ 77 Units	Condo	Approve

- Notice of City Engineer's Award of Construction Projects

None.

- Open Forum—

- 1) Bill Chew discussed his campaign and candidacy for District 3.
- 2) George Fokos spoke on running for Mayor of the City of San Jose.
- 3) Robert Apgar discussed the Garden City cardroom.
- 4) Mark Trout expressed personal commentary.
- 5) Stephen Hazel shared personal viewpoints.

- Adjournment

The Council of the City of San José adjourned at 6:11 p.m. in memory of Kristi A. Porter and her son, Robert S. Porter. Kristi was an Oak Grove School District trustee and she and her son were killed in a two-car accident on a highway in Hungary.